

EXHIBIT G

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY) 1:13-md-02419-FDS
LITIGATION)
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**APPLICATION AND DECLARATION OF PATRICK T. FENNELL
FOR APPOINTMENT TO PLAINTIFFS' STEERING COMMITTEE**

I respectfully submit the following Application and Declaration for Appointment to the Plaintiffs' Steering Committee:

I. INTRODUCTION

1. I represent plaintiff Christopher Sherrill, VAW/7:12-cv-00565, which has been transferred to this court pursuant to Conditional Transfer Order No. 1. The case was originally filed in Roanoke City Circuit Court, Roanoke, Virginia, and removed to the U.S. District Court, Western District of Virginia. The case has been consolidated with other cases pursuant to the establishment of the MDL. I also represent 40 other consumers suffering from various degrees of personal injuries ranging from symptoms of fungal meningitis to stroke and acute kidney failure, as well as the families of three individuals who have died as a result of contaminated medication produced by New England Compounding Pharmacy. All of my clients in this matter reside in the Commonwealth of Virginia.

2. I am a graduate of The Marshall-Wythe School of Law at the College of William & Mary, the U.S. Navy Postgraduate School and The Tulane University of Louisiana. I attended law school after serving in the U.S. Navy with distinction for ten

years, and I am a veteran of the Persian Gulf War. I have practiced personal injury law for over 16 years, and I am currently the head of Crandall & Katt's Mass Tort Litigation Group. I have represented hundreds of people who have suffered from defective medical devices and medications.

3. On behalf of my clients I have taken an active role in this litigation from its beginning in the early Fall, 2012. I have participated in many conference calls with plaintiffs' counsel from other states, and have attended conferences and hearings in Massachusetts and Florida, focused on the investigations and pretrial proceedings in these cases. I have retained the services of experts in Virginia who specialize in the areas of compounding pharmacy and the pharmacological treatment of fungal infections. I have participated in many conference calls and meetings with other attorneys in a spirit of collaboration for the benefit of all plaintiffs.

4. I have relevant experience in litigation involving complex medical issues in the context of both multi-district litigation and bankruptcy. In addition, Counsel for other plaintiffs in this litigation have expressed their support and approval of my service on the Plaintiffs' Steering Committee. These include H. David Gibson, a colleague from the law firm Gentry Locke Rakes & Moore, LLP, another Virginia firm, Nolan R. Nicely, Jr. of the Virginia firm Wilson, Updike & Nicely, and Gregory Lyons of the Virginia firm LichtensteinFishwick PLC. Together these three firms that endorse my application represent approximately 30-35 additional Virginia plaintiffs in this litigation.

II. CRITERIA FOR APPOINTMENT.

1. Willingness and ability to serve.

a. My firm currently employs eight lawyers and over 40 paralegals and support staff. We are prepared to dedicate all the necessary resources to aggressively pursue resolution of these cases on behalf of all plaintiffs. We have investigated the complex factual circumstances which led to this horrible outbreak, and the equally complex medical challenges of identifying those who suffer from fungal meningitis and other injuries caused by the contaminated medication, and the difficulty of treating these patients without unnecessarily placing other aspects of their health at risk. I and my firm are committed to serving all who suffer from these terrible injuries because this is what we do best, and this is how we can best assist our communities and our citizens. We make this commitment knowing fully the financial and personnel requirements of such a commitment.

b. This action is the primary focus of the Mass Tort Litigation Section at Crandall & Katt. We have the staff and legal expertise to support this commitment, which is currently our only commitment of this scale.

2. Ability to work cooperatively with others.

a. In my sixteen years of practice I have demonstrated an ability to work well with other lawyers and staff to accomplish common goals. I feel strongly that team work is usually the smoothest road to success for our clients, particularly in complex litigation.

b. As mentioned above, my fellow Virginia counsel support my application for an appointment to the Plaintiffs' Steering Committee in this litigation.

3. Access to sufficient resources to advance this litigation quickly.

a. We currently have capable attorneys and staff ready to proceed with this litigation. My belief is the PSC should proceed aggressively and quickly to maximize

results for all plaintiffs, always keeping in mind the limited resources available for resolution of their claims. The key will be to proceed quickly to identify all sources of recovery and pursue them diligently. If the lawyers save time, there will be more for the plaintiffs at the end of the litigation. This can be done from the start by adopting master forms for pleadings and discovery.

It will be a privilege for me to serve on the Plaintiffs' Steering Committee in this litigation.

Date: March 18, 2013

RESPECTFULLY SUBMITTED

CHRISTOPHER SHERRILL

By: 

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